

The material core of the Constitution - Abstract

This thesis is about the relation between the state of the Czech Republic and Czech and Czechoslovakian constitutional area. The deciding impulse leading to the elaboration of this topic was historically the first derogation of constitutional act by the Constitutional Court of the Czech Republic. The reason of the groundbreaking judgement was the conflict of the challenged constitutional act and the material core of the Constitution which protects its democratic frame.

The aim of the thesis is to explore the form, content and protection of the most important constitutional base of the Czech Republic, i.e. the imperative of inflexibility of the democratic state law material attributes. The way how to deal with that is to review historical and revolutionary changes of the legal state principle.

The first part of the thesis concentrates on fundamental historical events which resulted in the reversal of the legal state concept. In the terms of constitutional sources of law it analyzes the formation of the democratic Czechoslovakia, the wartime period of submission and the restoration of legal order after the Second World War, the Communist takeover in February and the Ninth-of-May (1948) Constitution, the Socialist Constitution, the Prague Spring, the Manifesto of the Charter 77, the constitutional restoration of the political pluralism after the Velvet revolution.

The second part of the thesis defines the democratic legal state principle within the characteristic of the Constitution material core first. Subsequently it describes the origin and the essence of the material core idea. Next, this part presents possibilities of the material core protection, the active role of the Constitutional Court and examples of the European legislation.

The third part of the thesis, resulting from the previous research, includes the sovereignty of the nation and its people among the inalterable constitutional values or essential elements of the democratic legal state; the public authority being bound by law; establishment and protection of the fundamental rights and freedoms; free political competition; respect for minorities within the frame of majorities political decisions; universal suffrage; time-limited government; division of government; judicial independence; local government and material core inflexibility.

Keyword catalogue: Material core; democratic legal state; essentials elements.